

10808. Adulteration and misbranding of butter. U. S. v. 97 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16669. I. S. No. 2503-v. S. No. E-4083.)

On July 26, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 97 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Montrose Cooperative Creamery, Montrose, Minn., alleging that the article had been shipped from Montrose, Minn., on or about July 14, 1922, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butter fat, had been wholly or in part abstracted.

Misbranding was alleged in substance for the reason that the tubs containing the article bore the statement, "Butter Made From Sweet Cream," which statement regarding the said article and the ingredients and substances contained therein was false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 27, 1922, Clinton G. Heyd, Philadelphia, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10809. Adulteration of shell eggs. U. S. v. 91 Cases, et al, of Shell Eggs. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16745, 16746, 16747. I. S. Nos. 1205-v, 1206-v, 1207-v. S. Nos. E-4104, E-4105, E-4106.)

On or about July 28, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 288 cases of shell eggs, remaining in the original unbroken packages at Baltimore, Md., consigned July 22, 1922, alleging that the article had been shipped by the East Tennessee Produce Co., in part from Rogersville, Tenn., and in part from Morristown, Tenn., and transported from the State of Tennessee into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it contained an excessive amount of eggs which were decomposed in whole or in part.

On July 30 and August 4, 1922, respectively, Dixon R. Smith, trading as Dixon R. Smith & Co., and Joseph Smelkinson, trading as Smelkinson Bros., both of Baltimore, Md., having entered their appearances as claimants for 91 cases and 197 cases, respectively, of the said article, and said claimants having admitted the material allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, after which the good portion might be disposed of for human consumption.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10810. Alleged misbranding of rice bran. U. S. v. Empire Rice Mill Co., a Corporation. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 10757. I. S. No. 16151-r.)

On September 27, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

the Empire Rice Mill Co., a corporation, New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 20, 1918, from the State of Louisiana into the State of Georgia, of a quantity of rice bran which was alleged to have been misbranded. The article was labeled in part: "150 Pounds Rice Bran * * *"

Examination, by the Bureau of Chemistry of this department, of 257 sacks of the article from the consignment showed that the average net weight of the sacks examined was 135.1 pounds, an average shortage from the declared weight of 14.9 pounds, or 9.93 per cent.

Misbranding of the article was alleged in the information for the reason that the statement appearing on the labels of the sacks containing the said article, to wit, "150 Pounds," was false and misleading in that the said statement represented that each of said sacks contained not less than 150 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers, in that the said statement represented to purchasers that each sack of the article contained not less than 150 pounds thereof, whereas, in fact and in truth, each of the said sacks did not contain 150 pounds of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside of the package, in terms of weight, measure, and numerical count.

On June 21, 1922, the case having come on for final disposition before the court and a jury, after the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10811. Adulteration and misbranding of cottonseed meal screenings. U. S. v. Alexandria Cotton Oil Co., Inc., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$150 and costs. (F. & D. No. 12475. I. S. No. 11968-r.)

On July 17, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alexandria Cotton Oil Co., Inc., a corporation, Alexandria, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 17, 1918, from the State of Louisiana into the State of Kansas, of a quantity of an article invoiced as 43 per cent protein cottonseed meal screenings, in unlabeled sacks, which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.55 per cent of protein.

Adulteration of the article was alleged in the information for the reason that cottonseed meal screenings containing less than 43 per cent of protein had been substituted in whole or in part for 43 per cent cottonseed meal screenings which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was submitted to the jury who after deliberating rendered a verdict of guilty, and the court imposed a fine of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10812. Misbranding of manhood pills. U. S. v. 10 Packages of Manhood Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13958. I. S. No. 1634-t. S. No. C-2595.)

On November 23, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 packages of manhood pills, remaining unsold in the original unbroken packages at Longstreet, La., alleging that the article had been shipped by the Fitzpatrick Drug Co., Helena, Ark., October 12, 1920, and transported from the State of Arkansas into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained zinc phosphid and extracts of nux vomica and damiana, coated with calcium carbonate.